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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

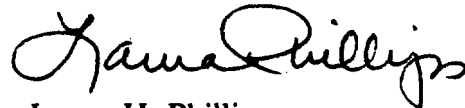
Re: Gen. Docket No. 90-314
CC Docket No. 92-237 ✓

Dear Mr. Caton:

Attached please find copies of a letter from Cox Enterprises, Inc. to the Acting Chief, Common Carrier Bureau. Since this letter responds to a June 23, 1993 letter filed by Bellcore as a communication to be associated with both the Personal Communications Services and North American Numbering Administration dockets, Cox is providing copies of its responsive correspondence to be associated with the docket files in these proceedings.

Please contact me if there are any questions in this matter.

Respectfully submitted,



Laura H. Phillips
Counsel for Cox Enterprises, Inc.

Attachments

cc: The Honorable James H. Quello
The Honorable Ervin S. Duggan
The Honorable Andrew C. Barrett
Brian F. Fontes
Byron F. Marchant
John C. Hollar
Linda L. Oliver
Robert Corn-Revere
Kathleen Levitz
Peyton L. Wynn

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DOW, LOHNES & ALBERTSON

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July 28, 1993

Kathleen B. Levitz, Esq.
Acting Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Belcore Letter on Service Access Code Assignments
for Personal Communications Services

Dear Ms. Levitz:

Cox Enterprises, Inc. ("Cox") hereby responds to Bellcore's letter filed with the Commission and your office on June 23, 1993, informing the Commission of its plan to assign the 500 service access code ("SAC") to Personal Communications Services and in turn to assign NXX codes for use by several companies. Cox objects to Bellcore's proposed plan to commence code assignments because Bellcore totally fails to make the case that codes should be assigned at this time and prejudices the Commission's determinations in two ongoing rulemaking proceedings. Cox requests that the Commission direct Bellcore not to proceed with its assignment plan unless Bellcore can satisfy obvious but critical concerns regarding the fairness of its proposed actions.

Cox holds experimental licenses to test Personal Communications Services ("PCS") in San Diego, California and New York, New York. Cox has been at the forefront in developing the technologies and potential of cable-based PCS. Cox has also been an active participant in the Commission's PCS and Numbering Administration rulemakings. In the Numbering Administration rulemaking, Cox supported the Commission's proposal to remove numbering administration decisions from Bellcore, in part because Bellcore's actions in administering numbers have demonstrably impeded the growth and development of new services.^{1/}

Bellcore informs the Commission of two significant decisions that will have a direct impact on the administration of numbering and the development of PCS. The first is Bellcore's decision to allocate the 500 SAC for PCS and the second, Bellcore's decision to commence the assignment of numbers in NXX blocks to ten companies

^{1/} Cox filed Comments with the Commission in 1991 urging greater Commission oversight of the development of PCS numbering arrangements by Bellcore. See Cox Reply Comments, Gen. Dkt. No. 90-314, filed January 15, 1991.

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identified in an attachment beginning on August 1, 1993. Bellcore's reason for this unprecedented action is that "certain companies have expressed an urgent need for these assignments" and "cannot wait for assignments until the assignment guidelines are completed by the industry." Bellcore anticipates that industry approval of PCS number assignment guidelines will be delayed at least until November of this year.^{2/}

Bellcore's plan is an affront to the Commission. As Bellcore recognizes, the Commission has underway a proceeding on the future administration of the North American Numbering Plan ("NANP"), part of which directly addresses methods of PCS number assignment.^{3/} Bellcore's assignment of an unknown number of codes to a select group of companies who seek an immediate marketing advantage is the antithesis of reasoned policymaking.

Further, Bellcore's submissions raise fundamental questions regarding the fairness of its proposed action. These submissions provide inconsistent answers to the critical question of whether Bellcore's action will prejudice or be inconsistent with the Commission's ultimate determinations on PCS number assignments. For example, Bellcore's letter states that its planned assignments to satisfy urgent needs will be expressly subject to "industry assignment guidelines and/or regulatory rules as may be adopted." In contrast, in the Joint Paper furnished by Bellcore, the PCS number requesters state that "[s]hould there be significant variance between the interim criteria and the final assignment guidelines, code assignments made under the interim criteria will not be affected." The Commission must clarify that all PCS numbering assignments made in the interim are contingent on the outcome of the Commission's determinations in its Numbering Administration and PCS rulemakings.

Similarly, Cox questions whether any of the parties seeking interim code assignments satisfy the basic criteria in the interim guidelines. The interim draft of the PCS NXX Code Assignment Guidelines, Section 2.8, states that the "applicant/holder of the NOO NXX code must have authorization, if required, from the appropriate regulatory authority(s) to operate in the area in which it intends to provide the personal communications service." While Cox is aware that some of the PCS number requesters hold experimental licenses from the Commission to test future PCS technologies, Cox

2/ Bellcore's determination to assign PCS numbers is puzzling in light of its statement that Commission staff as recently as April indicated that the Commission was not convinced of the urgency of these claimed numbering needs. See Bellcore Letter at 2.

3/ See North American Numbering Plan, 7 FCC Rcd 6837 (1992).

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does not believe that such a license implies that the PCS number requesters have the required authority to provide the type of widespread, commercial PCS that might justify Bellcore's decision to assign large blocks of NXX codes at this time.

Further, the Commission has yet to reach a resolution on a number of issues critical to licensing PCS in its rulemaking proceeding, including licensee eligibility. The Commission may ultimately conclude that some of the parties seeking numbers are ineligible for PCS licenses. It is presumptuous for Bellcore to take the step of broadly assigning PCS codes that may prove difficult to reclaim before the Commission resolves these basic, critical issues that have a direct bearing on numbering assignments.^{4/}

Bellcore's submissions provide absolutely no justification for the assignment of PCS codes at this time. No information has been provided on the number of NXX codes requested, how they will be split among the requesting companies and no assurance is provided that other entities that receive licenses to provide commercial service will ever receive codes once the Commission licenses PCS. Bellcore is, in effect, asking the Commission to pass on the adequacy of the draft guidelines and the sufficiency of the PCS code requestor's demand showings without the Commission ever having seen them. Cox is also concerned that several entities appear to be "double-dipping," seeking codes for local telephone company and affiliated cellular companies separately.

Additionally, the Joint Paper provided by Bellcore is devoid of any information that explains why assignments of codes from the 500 SAC are required "to conduct service trials and to negotiate routing arrangements . . ." Apparently the Commission staff was unconvinced by these vague and unsubstantiated explanations several months ago. Under the circumstances, the Commission should continue to question Bellcore's reason for rushing to PCS number assignments at this time.

Kathleen B. Levitz, Esq.

July 28, 1993

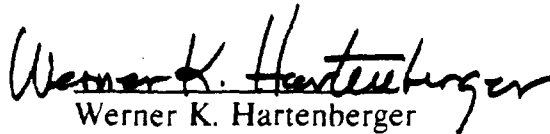
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Cox is not interposing an objection to keep those with a legitimate, demonstrable need from an NXX code assignment. Cox also does not object to the allocation of the 500 SAC code for PCS. Cox does believe, however, that the Commission and not Bellcore should decide whether these demonstrations have been made and whether any numbers should be assigned prior to the licensing of PCS. The Commission has not been provided with information to assess these needs.

Further, Bellcore's history in numbering administration confirms that these important responsibilities cannot be relegated to an entity with an inherent conflict in administering numbers. The Commission must not allow Bellcore to move forward with number assignment until it can be sure that sufficient number resources remain available for entities that will be licensed to provide PCS once the Commission's PCS rulemaking is concluded.

Respectfully submitted,

COX ENTERPRISES, INC.

A handwritten signature in black ink, appearing to read "Werner K. Hartenberger", written over a horizontal line.

Werner K. Hartenberger
Laura H. Phillips

Its Attorneys